



2622
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016907/1167

Applicant: Naoya MURAKAMI

Title: IMAGE FORMING SYSTEM WITH SCANNER CAPABLE OF
CHANGING MAGNIFICATION OF SCANNED IMAGE

Serial No.: 09/668,345

Filed: September 25, 2000

Examiner: Unassigned

Art Unit: 2622

RECEIVED
SEP 25 2002
Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A4 and A5 contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Items of information A1 is a U.S. patent counterparts to item A4, and items of information A2 and A3 are U.S. patent counterparts to item A5, whereby items of information A1, A2 and A3 were not cited in the communication from the foreign patent office.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued July 30, 2002 with respect to a counterpart Japanese patent application is provided below.

"REASON

The inventions described in the following claims of the present application are unpatentable under Section 29(2) of the Patent Law, as being such that they could easily have been made by a person with ordinary skill in the art to which they pertain, on the basis of the inventions described in the following distributed

publications or made available to the public through electric telecommunication lines in Japan or a foreign country prior to this application.

REMARKS

CLAIMS 1 to 8: Refer to References 1 and 2.

It can be understood from claims 1-17, paragraphs [0017] and [0033] to [0038], and related figures in Reference 1 that a space is optionally set and that a space is formed by controlling the timing of conveyance of a recording sheet and the timing of the recording operation. It can also be understood from the embodiment of Reference 2 that the reference discloses an idea of optionally forming a space. Varying the size of the space according to the magnification or making the size constant is a matter of design which a user determines. Therefore, especial creativity cannot be found in the present invention as compare with the cited references.

CITED REFERENCES

1. Jpn. Pat. Appln. KOKAI Publication No. 7-312686
2. Jpn. Pat. Appln. KOKAI Publication No. 62-42666

PRIOR ART SEARCH REPORT

Searched Technical Fields:

IPC 7th edition, H04N 1/00
H04N 1/024-1/036
H04N 1/04-1/207
H04N 1/38-1/393"

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

Date

September 13, 2002

for /

Phillip J. Antuola
Pavan K. Agarwal
Registration No. 40,888

Reg. No.
38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399